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PART--III-A- Ordinances promulgated by the Governor of Tripura under the Constitution of India.

GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA

NOTIFICATION

The following Ordinance is promulgated by the Governor of Tripura on the 4th January, 2019 and is hereby published for General information.

D.M.Jamatia
L.R. & Secretary, Law
Government of Tripura

Tripura Ordinance No.6 of 2018

THE TRIPURA STATE HIGHER EDUCATION COUNCIL ORDINANCE, 2018

(Promulgated by the Governor of Tripura in the Sixty-ninth year of the Republic of India)

AN

ORDINANCE

to provide for the establishment of a Tripura State Higher Education Council in the State of Tripura and for the matters connected therewith and incidental thereto.

WHEREAS, the National Policy on Education of the Government of India contains recommendations that the State level planning and co-ordination of higher education shall be done through the Councils for Higher Education;

AND WHEREAS, it is expedient to establish a State Higher Education Council in Tripura to act as a planning and monitoring body in order to forge a synergetic relationship between the Universities, Institutes, Academics and Experts and advising the State Government for-

(a) Maintenance of standards in and promotion of higher education and research, including university education and college education at under-graduate and post–graduate levels in the State;

(b) Review and coordination of the implementation of policies in all higher educational institutes under the Higher Education Department of Tripura;

(c) Facilitating access, inclusion and opportunities to all in higher education and providing holistic growth of higher education and research with national and international perspective through reforms and innovation;

(d) Providing an advisory mechanism of eminent peers in academia;

AND WHEREAS, the house of the Tripura Legislative Assembly is not in session and the Governor of Tripura is satisfied that the circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the Ordinance;

NOW THEREFORE, in exercise of the powers conferred under clause (1) of Article 213 of the Constitution of India, the Governor of Tripura is hereby pleased to promulgate the following Ordinance:-

1. **Short title and commencement:**
   (1) This Ordinance may be called the 'Tripura State Higher Education Council Ordinance, 2018';

(2) It extends to the whole of Tripura;

(3) It shall come into force on the date of its publication in the Tripura Gazette.

2. Definitions:
In this Ordinance, unless there is anything repugnant in the subject or context;

(1) 'Council' means the 'Tripura State Higher Education Council' established under Section 3 of this Ordinance;

(2) 'Chairperson' means the Chairperson of the Tripura State Higher Education Council;

(3) 'College' means a College affiliated to a University or controlled by a University and includes a Government College, University College, and an Institute offering Diploma courses and training programs and under the administrative control of Department of Higher Education of the State;

(4) "Government" means the State Government of Tripura;

(5) 'Government College' means a College maintained, managed and funded by the Government of Tripura under Higher Education Department of Tripura;

(6) 'Deemed University' means an institution for higher education, other than a University, declared by the Central Government as Deemed to be a University under Section 3 of the University Grants Commission Act, 1956;

(7) 'Degree' means a degree awarded by a University in Tripura and includes a under graduate degree, post graduate degree and research degree;

(8) 'Diploma' means a diploma awarded on completion of a course of study after Madhyamik, Higher Secondary (+2 stage), Graduation or Post graduation awarded by a higher educational institution in Tripura under the Higher Education Department but does not include a certificate course of less than 9 months;

(9) 'Higher Education' means education above the tenth class leading to a Diploma or education above the twelfth class leading to a Degree;

(10) 'Notification' means a notification published in the Official Gazette and the word "notified" shall be construed accordingly;

(11) 'Prescribed' means prescribed by Rules and Regulations made under this Ordinance;

(12) 'State' means the State of Tripura

(13) 'Teacher' means a Lecturer, Senior Lecturer, Reader, Assistant Professor, Associate Professor or Professor of a University, Institute or a College, and includes any other category of post or posts as defined by the all India bodies of higher education;

(14) 'University' means a University established in Tripura under any State or Central Act and includes a Deemed and Private University in Tripura;

(15) 'Vice Chancellor' means the Vice Chancellor of a University;

(16) 'Vice-Chairperson' means the Vice-Chairperson of the Tripura State Higher Education Council.

3. The Tripura State Higher Education Council:

(1) There shall be established a Council by the name 'Tripura State Higher Education Council' to exercise the powers conferred on and to perform the functions assigned to it under this Ordinance;

(2) The Council shall be a body corporate with perpetual succession and a common seal and shall sue and be sued by the name of the 'Tripura State Higher Education Council';

(3) The Council shall have its own office and its headquarter shall be located at Agartala, Tripura.

4. Composition of the Council:

(1) The Council shall consist of the following, namely:-

(i) Chairperson: An eminent Academic or Public Intellectual with proven leadership qualities;

(ii) Vice-Chairperson: An eminent academic administrator (rank of professor) or a professional from industry with sufficient experience;

(iii) An eminent academic of the rank of Professor-Chief Executive- Member-Secretary;

(iv) State Project Director of Rashtriya Uchchatar Shiksha Abhiyan-Member;

(v) Individuals, from field of arts, science and technology, culture, civil society, industry, vocational education & skill development, number of which shall not be less than ten but not exceeding fifteen - Members;

(vi) Three Vice Chancellors of the State Universities, if there is any- Members;

(vii) Two Principals of Autonomous or Affiliated Colleges of the State- Members;

(viii) One nominee of Government of India- Member.

Provided that amongst the total members of the Council seven members of the Council should be from the State and three members must be individuals of national eminence from outside the State.

Explanation:-Every appointment or engagement under this section shall take effect from the date on which such appointment or engagement is made by the Government.

(2) The process of formation of the search committee and selection, nomination and terms and conditions of the engagement for the Chairperson, Vice-Chairperson, Chief Executive and other members of the Council, as the case may be, would be as prescribed in the Regulations made in this behalf.

5. Office and Administrative Staff:

(1) The administrative staff to the Council shall be brought on deputation from other institutions under the State Government.

(2) The Council may engage contractual staff, as prescribed in the Regulation;

(3) The Classification and method of engagement, conditions of engagement, pay and allowance, disciplinary conduct and functions and responsibilities of the staff referred to in sub-section (1) shall be such as may be prescribed by Regulations.

6. Terms of office of the Chairperson, Vice-Chairperson, other members and vacancies in the offices:

(1) The Chairperson and Vice-Chairperson of the Council shall be appointed, for such term as may be prescribed by the State Government, out of the panel of three names in order of their preference, as may be recommended by the search committee constituted by the State Government for this purpose;

(2) The Search committee shall consist of the following Members:-

(i) the nominee of the Governor, who shall be the Chairperson of the Committee;

(ii) the nominee of the State Government and

(iii) the nominee of the Ministry of Human Resource Development, Government of India;

(3) The members of the search committee shall be the persons of eminence in the sphere of higher education;

(4) The Search committee, while preparing the panel must give proper weightage to public intellectual with proven leadership qualities or academic excellence, exposure to the higher education system in the country and adequate experience in academic and administrative governance and reflect the same in writing while submitting the panel to the State Government;

(5) The other procedures for preparing and sending the panel by the search committee shall be as prescribed by the Government;

(6) The members of the Council, other than the Chairperson, Vice-Chairperson and State Project Director, shall hold office for a term of two years, which may extend to six years;
Provided that, no such member shall continue to hold office as such member, beyond he attains the age of seventy years;
Provided further that, one third of such members shall be replaced after every two years;
Explanation: If any fraction arises in calculating the number of one third members, as referred to in the above proviso, the next round up whole number shall be considered.

(7) The Chairperson, Vice-Chairperson or Chief Executive or any other member may resign from his office by writing under his hand addressed to the Government and every such resignation shall take effect from the date on which it is accepted by the Government;

(8) The Chairperson, Vice-Chairperson or Chief Executive or any other member shall not be removed from his office except by an order of the Government, after such inquiry, as may be ordered by Government, on the ground of wilful omission or refusal to carry out the provisions of this Ordinance or abuse of the powers vested on him.
Provided that, no such order of removal shall be made without giving an opportunity of making his representation;

(9) When a person is appointed as a member of the Council by virtue of his representing a particular institution of interest, he shall cease to be a member of the Council, when he ceases to belong to such institution of interest;

(10) If any casual vacancy occurs in the office of the Chairperson, Vice Chairperson or Chief Executive or any other member, whether by reason of his death, resignation or inability to discharge his function owing to illness or other incapacity or for any other reason, such vacancy shall be filled by the Government, as soon as may be in the manner, as prescribed. Such Chairperson, Vice-Chairperson or Chief Executive or nominated or appointed member shall hold office only for the remainder of the term;

(11) The Chairperson, Vice-Chairperson and other members of the Council would not be entitled to any salary but may be entitled to such honorarium and allowances, as may be prescribed by the Regulations, subject to the prior approval of the Government;

(12) The Chairperson, Vice-Chairperson and Chief Executive shall exercise such powers and perform such functions, as may be prescribed;

(13) The Council shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed by Regulations made under this Ordinance.

7. Power of the Council to take assistance:

The Council may associate with it in such manner and for such purpose, as may be prescribed, any person whose assistance or advice is required for carrying out its work. A person associated with the Council for such purpose shall have the right to take part in the discussions relevant to such purpose but shall not have the right to vote in a meeting of the Council and shall not be a member for any other purpose.

8. Authentication of the decisions of the Council:

All orders and decisions of the Council shall be authenticated by the signature of the Chairperson, Vice-Chairperson, Chief Executive or any other member authorized by the Council in this behalf and all other instruments issued by the Council shall be authenticated by the signature of the Chief Executive or any other officer of the Council, authorized in the like manner in this behalf.

9. Powers and duties of the Chairperson, Vice-Chairperson and Chief Executive :

(1) Powers and function of the Chairperson:

The Chairperson shall preside over the meetings of the Council. The Chairperson shall have the right to call for report on any matter pertaining to the affairs of the Council and offer suggestions for the improvement of the functioning of the Council.

(2) Powers and function of the Vice-Chairperson:

The Vice-Chairperson shall preside over the meeting of the Council in the absence of the Chairperson.

(3) Powers and function of the Chief Executive :

The Chief Executive shall be responsible for the implementation of the decisions of the Council. The Chief Executive shall exercise such powers and perform such functions as may be prescribed by Regulations.

10. Functions of the Council:

The Function of the Council shall include-

(1) Planning and co-ordination:-

(i) To prepare perspective plan and programs in the sphere of higher education in the State, keeping in view the guidelines and schemes that may be issued by the State Government, Ministry of Human Resource Development, Government of India, University Grants Commission and other regulatory bodies from time to time and to assist in their implementation;

(ii) To assist in matters of University Grants Commission, All India Council for Technical Education, National Council of Teacher Education, Bar Council of India and other national level regulatory bodies or authorities in respect of determination

and maintenance of standards of Higher Education and suggest remedial action, wherever necessary;

(iii) To promote co-operation and co-ordination of the higher educational institutions and interaction with industry and other related establishments;

(iv) To assist and recommend formulation of the principles as per the guidelines of the Government, Ministry of Human Resource Development and the University Grants Commission, All India Council for Technical Education, National Council of Teacher Education, Bar Council of India and other national level regulatory bodies or authorities for starting new courses and programmes in educational institutions, keeping in view the various norms and requirements to be fulfilled;

(v) To suggest ways and means for generating additional resources for higher education in the State;

(vi) To work in liaison with the University Grants Commission, All India Council for Technical Education, National Council of Teacher Education, Bar Council of India and other national level regulatory bodies or authorities of Higher Education.

(2) Academic functions:-

(i) To encourage and promote innovations in curricular development, restructuring of courses and updating of syllabi in the Universities and the Colleges;

(ii) To devise methods and steps to improve the standard of examinations conducted by the Universities and suggest necessary reforms;

(iii) To facilitate training of Teachers in Universities and Colleges;

(iv) To develop programmes for greater academic co-operation and interaction between University Teachers and College teachers and to facilitate mobility of students and Teachers within and outside the State;

(v) To encourage sports, games, physical education and cultural activities in the Universities and Colleges;

(vi) To encourage extension activities and promote interaction with agencies concerned with regional planning and development of higher education;

(vii) To prepare an overview report on the working of the Universities and the Colleges in the State and to furnish a copy of the report to the Ministry of Human Resource Development, Government of India/University Grants Commission, All India Council for Technical Education, National Council of Teacher Education, Bar Council of India and other national level regulatory bodies or authorities, as the case may be.

(viii) To prepare State Higher Education Plan and all the activities as per the extant guidelines.

11. Other functions of the Council:

(1) To perform such other functions, as may be prescribed for promoting excellence in higher education and scientific research.

(2) Advisory functions-

(i) To advise the State Universities to make new Statutes, Ordinances, Rules and

Regulations on the basis of the respective University Act or to amend the existing Acts, Statute, Ordinances, Rules and Regulations, where necessary, keeping in view the various norms and requirements to be fulfilled;

(ii) Towards performing any other functions necessary for the furtherance of higher education in the State.

12. Meeting:

(1) The Council shall meet at such time and place at least once in three months and the quorum for the Council meetings shall be one third of the total members of the Council, including the Chairperson and Vice-Chairperson;

(2) The meeting of the Council shall be convened by the Chief Executive on the advice of the Chairperson or the State Project Director, in absence of the Chief Executive.

13. Fund of the Council:

(1) The Council shall have its own fund to be called the 'Tripura State Higher Education Council Fund' (hereinafter referred to as the Fund) consisting of the grants from the Government, grants received from the Central Government for higher education and such other funds as may be received by the Council from any other source;

(2) The Government may pay to the Council in each financial year such sum as maybe considered by the Government to be necessary for the functioning of the Council;

(3) All money belonging to the Fund and all receipts of the Council shall be deposited or invested in such manner as may be prescribed;

(4) The Council may make expenditure of such sums as it may think fit for performing its functions under this Ordinance and such sum shall be treated as expenditure payable out of the fund of the Council.

14. Council to allocate grants:

(1) It shall be the duty of the Council to allocate grants to different Universities and Colleges, in the State from out of the Fund and release the same to such Institutions ;

(2) Notwithstanding anything contained in any law for the time being in force, the Council shall have the right to cause an enquiry to be made by such person or persons as it may consider necessary into the grants made by it to a University or College or into any expenditure made thereof after giving previous notice to such University or College, as the case may be, of its intention to cause such enquiry.

15. Annual Report of the Council:

(1) The Council shall prepare an annual financial statement on or before such date as may be prescribed of the estimated capital and the revenue receipts and expenditure for the ensuing year and submit the same to the Government;

(2) The statement, as aforesaid, shall include a statement of wages/honorarium and allowances of members, officers and employees of the Council and of such other particulars, as may be prescribed;

(3) The Government shall soon after the receipt of such statement, cause it to be laid before the State Legislature;

(4) The Council shall take into consideration any observation made on such statement in the State Legislature;

(5) The Council shall prepare once in every year, in such form at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Government and the Government shall cause the same to be laid before the State Legislature. A copy of the report shall also be sent to the University Grants Commission, All India Council for Technical Education, National Council of Teacher Education, Bar Council of India and other national level regulatory bodies or authorities Ministry of Human Resource Development, Government of India as the case may be.

16. Audit of the accounts of Council:

(1) The Council shall cause to be maintained such books of account and other books in relation for its accounts in such form and in such manner, as may be prescribed;

(2) The Council shall as soon as may be after closing its annual accounts, prepare a statement of accounts in such form and forward the same to the Government by such date, as the Government may determine;

(3) The accounts of the Council shall be audited by Accountants General, Tripura and State Audit Directorate, at such times, and in such manner, as may be prescribed;

(4) The annual accounts of the Council together with the audit report thereon shall be forwarded to the Government and the Government shall cause the same to be laid before the State Legislature and shall also forward a copy of the audit report to the Council for taking appropriate action on the matters arising out of the audit report.

17. Directions and decisions of the Government to the Council:

(1) In discharge of its functions under this Ordinance, the Council shall be guided by such direction on questions of policy relating to State purposes or in case of any emergency, as may be given to it by the Government;

(2) If any dispute arises between the Government and the Council as to whether a question is or is not a question of policy relating to State purposes or whether an emergency has arisen, the decision of the Government thereon shall be final.

18. Returns and information:

(1) The Council shall furnish to the Government such return or other information with respect to its property or activities as the Government may from time to time require;

(2) The Council shall be competent to seek such returns, report and information from any University or College, as it may consider necessary for the performance of its functions.

19. Power of the Government to make inspection:

(1) The Government shall have the right to cause an inspection to be made by an officer, not below the rank of Additional Secretary to the Government, authorized by it, of the Council and also to cause an inquiry to be made into the work done by the Council in respect of any matter entrusted to it. The Government shall in every case give notice to the Council of its intention to cause such inspection or inquiry to be made and the Council shall be entitled to be represented there at. The officer making the inspection or inquiry shall inform the Government of the results thereof;

(2) The Government shall communicate to the Council its views with reference to the results of such inspection or inquiry and may advise the Council on the actions to be taken;

(3) The Council shall within such time as the Government may fix, report the actions, if any, which is proposed to be taken, upon such advice;

(4) The Government may, where action has not been taken by the Council within the time, as aforesaid, to its satisfaction, issue such directions, as it may think fit and the Council shall comply with such directions.

20. Miscellaneous:

(1) The Government may either suo moto or on an application made to them call for and examine the records of any order passed or decision taken by the Council under the provisions of this Ordinance for the purpose of satisfying itself as to the legality or propriety of such order or decision or as to regularity of such procedure and pass such order with respect thereto, as it may think fit;

(2) Provided that no such order shall be made except after giving the Council or the person likely to be affected thereby a reasonable opportunity of being heard.

21. Power to make rules:

(1) The Government may by notification make Rules for carrying out all or any of the purposes of this Ordinance;

(2) Every rule made under this Ordinance and every regulations made under section 23 shall, as soon as may be after it is made, be laid before the State Legislature and if before the expiry of the session in which it is so laid or the next session, the State Legislature make any modification in any such rule or regulations, or the State Legislature decides that the rule or the regulations should not be made, the rule or the regulations shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulations.

22. Power to make regulations:

(1) The Council may make regulations consistent with this Ordinance and the Rules made thereunder-

(i) Regulating the process of formation of the search committee and selection, nomination and terms and conditions of the engagement for the Chairperson, Vice-Chairperson, Chief Executive and other members of the Council under section 4(2);

(ii) Regulating the procedures for preparing and sending the panel by the search committee under section 6(5);

(iii) Regulating the manner in which and the purposes for which persons may be associated with the Council under section 5;

(iv) Regulating the honorarium and allowances of Chairperson, Vice-Chairperson and other members of the Council under section 6(11);

(v) Regulating powers and functions of the Chairperson, Vice-Chairperson and Chief Executive under section 6(12) and 9(3);

(vi) Regulating the rules of procedure in regard to the transaction of business at its meetings under section 6(13);

(2) No regulation shall be made under this section except with the previous approval of the Government.

23. Removal of difficulties:

(1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may make such order, not inconsistent with the provisions of this Ordinance, as appears to it to be necessary or expedient for removing the difficulty;

(2) Each such order made under sub-section (1) shall be laid before the State Legislative, as soon as may be, after it is made.

Sd/-
Prof. Kaptan Singh Solanki
Governor of Tripura